

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Peña	Team: Team # 2	CCRB Case #: 201103519	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 03/19/2011 11:00 PM	Location of Incident: § 87(2)(b) and 263 Tompkins Avenue (79th Precinct)	Precinct: 79	18 Mo. SOL 9/19/2012	EO SOL 9/19/2012	
Date/Time CV Reported Sun, 03/20/2011 1:36 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Sun, 03/20/2011 1:36 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Brian Christensen	29540	940002	079 PCT
2. SGT William Glynn	00034	932718	079 PCT
3. Officers			
4. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Danny Hernandez	10770	936751	079 PCT
2. POM Alexander Bobo	06146	947985	079 PCT
3. POM Jeffrey Augustin	13952	944210	079 PCT
4. POM James Hughes	31965	915921	079 PCT
5. POM Adam Dumelle	07474	948001	079 PCT
6. POF Frances Urena	19481	945070	079 PCT
7. POM Jose Alicea	00115	944315	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT William Glynn	Force: Inside § 87(2)(b) in Brooklyn, Sgt. William Glynn used physical force against § 87(2)(b)	
B.POM Brian Christensen	Force: PO Brian Christensen used physical force against § 87(2)(b)	
C. An officer	Force: An officer used pepper spray against § 87(2)(b)	
D. Officers	Force: Officers used physical force against § 87(2)(b)	
E.SGT William Glynn	Force: Sgt. William Glynn used physical force against § 87(2)(b)	
F.SGT William Glynn	Force: Sgt. William Glynn tasered § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
G. Officers	Abuse: Officers did not obtain medical treatment for § 87(2)(b)	
H.SGT William Glynn	Force: At the parking lot of the 79th Precinct Stationhouse, Sgt. William Glynn used physical force against § 87(2)(b)	
I.SGT William Glynn	Discourtesy: In the 79th Precinct Stationhouse, Sgt. William Glynn spoke rudely to § 87(2)(b)	

Case Summary

On March 20, 2011, § 87(2)(b) filed a complaint with the CCRB, via the call processing system, regarding an incident that took place on March 19, 2011 (encl. 5-5b). On March 19, 2011 at approximately 11:00 p.m., § 87(2)(b) and § 87(2)(b) were encountered by officers who responded to an incident at § 87(2)(b) in Brooklyn. The following allegations resulted from the officers' actions:

- **Allegation A: Force: Inside § 87(2)(b) in Brooklyn, Sgt. William Glynn used physical force against § 87(2)(b)**
§ 87(2)(g)
- **Allegation B: Force: PO Brian Christensen used physical force against § 87(2)(b)**
§ 87(2)(g)
- **Allegation C: Force: An officer used pepper spray against § 87(2)(b)**
§ 87(2)(g)
- **Allegation D: Force: Officers used physical force against § 87(2)(b)**
§ 87(2)(g)
- **Allegation E: Force: Sgt. William Glynn used physical force against § 87(2)(b)**
§ 87(2)(g)
- **Allegation F: Force: Sgt. William Glynn tasered § 87(2)(b)**
§ 87(2)(g)
- **Allegation G: Abuse of Authority: Officers did not obtain medical treatment for § 87(2)(b)**
§ 87(2)(g)
- **Allegation H: Force: In the parking lot of the 79th Precinct Stationhouse, Sgt. William Glynn used physical force against § 87(2)(b)**
§ 87(2)(g)
- **Allegation I: Discourtesy: At the 79th Precinct Stationhouse, Sgt. William Glynn spoke rudely to § 87(2)(b)**
§ 87(2)(g)

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

§ 87(2)(b)

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on April 19, 2011 (encl. 6-6c). On March 19, 2011 at approximately 11:00 p.m., § 87(2)(b) was at § 87(2)(b) in Brooklyn when officers arrived at the building. § 87(2)(b) and approximately ten other civilians, who had just returned to the building following a baby shower, were in the lobby

bringing presents up into the building. § 87(2)(b) was not under the influence of drugs or alcohol.

As § 87(2)(b) walked out of the building and was about to leave, he observed approximately four uniformed police officers interacting with § 87(2)(b). He was unable to elaborate on this observation. § 87(2)(b) referred to one of the officers as Bobo, subsequently identified as PO Alexander Bobo. PO Bobo was with an officer identified by the investigation as PO Brian Christensen. § 87(2)(b) observed PO Bobo and PO Christensen shove § 87(2)(b) toward a patrol car. In response, § 87(2)(b) asked all the officers what they were doing and mentioned that officers recently had killed a male at the Wyckoff Projects. The closest officer to § 87(2)(b) was identified by the investigation as PO Frances Urena.

PO Christensen approached § 87(2)(b) and pushed him approximately five times with the palms of his hands against a gate and asked whether § 87(2)(b) hit him. § 87(2)(b) yelled that he had not done anything wrong. As a result of the pushes, § 87(2)(b)'s back struck against a gate. § 87(2)(b) felt pain but did not sustain any injuries. An officer, identified by the investigation as PO James Hughes, confiscated a video camera from § 87(2)(b) whose surname is unknown, as she tried to record the incident with a camera.

PO Christensen grabbed § 87(2)(b)'s arms and turned him around, at which point, § 87(2)(b)'s face and chest, struck the gate. § 87(2)(b) did not sustain any injuries. § 87(2)(b) placed his hands behind his back and was handcuffed as PO Christensen yelled for him to stop resisting. § 87(2)(b) was not resisting. Then, PO Urena pepper sprayed § 87(2)(b)'s face from approximately three inches away.

PO Christensen grabbed § 87(2)(b) by the back of his arms and his coat collar and threw him to the ground, face down. Approximately 5-6 officers punched the back of § 87(2)(b)'s head. § 87(2)(b) was not able to see which officers punched his head. PO Christensen picked § 87(2)(b) up from the ground by grabbing his coat and two other officers held § 87(2)(b)'s arms. § 87(2)(b) was pepper sprayed again but could not see which officer pepper sprayed him. As the officers escorted § 87(2)(b) to the patrol car, he spat because pepper spray had gotten into his mouth. PO Christensen asked whether § 87(2)(b) spat at him.

An officer, identified by the investigation as Sgt. William Glynn, pushed § 87(2)(b) onto the backseat of the patrol car and struck him in the face several times with a closed fist causing § 87(2)(b)'s lip to become swollen. A different officer walked on the opposite side of the car in an effort to help Sgt. Glynn get § 87(2)(b) into the car. That officer, whose identity and description remain unknown, struck § 87(2)(b)'s head several times causing him to sustain wounds behind his ear. § 87(2)(b) did not feel well and since he is a diabetic, he speculated that his sugar must have dropped to a dangerously low level. § 87(2)(b) could not recall whether the officers made any statements to him. Sgt. Glynn slammed the patrol car shut and since § 87(2)(b) was not completely in the patrol car and his legs were up in the air, his feet struck against the window as the door was shut and the window shattered. Sgt. Glynn opened the door and struck § 87(2)(b) in the face with a closed fist. Then, Sgt. Glynn tasered § 87(2)(b). The taser dart struck § 87(2)(b)'s face between his eyes. Then, Sgt. Glynn tasered § 87(2)(b) again. The taser dart caused a laceration on the bridge of § 87(2)(b)'s nose. An FDNY ambulance arrived but only spoke with the officers. Then, § 87(2)(b) was driven to the precinct in the patrol car with the broken window. He did not know anything that occurred from the time that he was driven away from the incident location until the time that he woke up as he lay in a cell at the precinct. § 87(2)(b) an EMT for Bed-Stuy Ambulance, § 87(2)(b) arrived and offered medical attention for § 87(2)(b). However, the officers would not allow § 87(2)(b) to receive medical attention.

When § 87(2)(b) awoke at the precinct, he was lying on his back. Officers had removed § 87(2)(b)'s shoes and belt. § 87(2)(b)'s pants were pulled down almost to his knees and his underwear was revealed. § 87(2)(b) screamed that he needed an ambulance. As Sgt. Glynn snatched § 87(2)(b)'s rosary beads from his neck, he broke them and stated, "You can't have this shit." § 87(2)(b) felt that his religion was disrespected. § 87(2)(b)

was returned his rosary beads after being released. PO Bobo and three other uniformed officers, whom § 87(2)(b) could not identify, were inside the cell. § 87(2)(b) saw blood run down his face and his face burned from the pepper spray. In an effort to wash the pepper spray from his face, § 87(2)(b) stuck his face in a toilet. Then, § 87(2)(b) continued to yell requesting an ambulance. PO 4, an approximately 5'8" tall, bald, black male in uniform heard § 87(2)(b) request medical attention but did not say anything. Approximately three hours later, an officer told § 87(2)(b) that he did not need medical attention because he was only drunk. This officer's name, shield number and description are unknown. § 87(2)(b) disputed that he was drunk.

Notice of Claim Statement

§ 87(2)(b) was removed to the 79th Precinct, unconscious and placed handcuffed in the cells for several hours. The pepper spray was not washed off. § 87(2)(b) sustained severe permanent injuries, cuts and bruises to his face, neck and shoulders and mental anguish and emotional distress.

§ 87(2)(b) testified at a 50H Hearing on § 87(2)(b) in regard to this incident (encl. 24-2400). § 87(2)(g)

Victim: § 87(2)(b)

- § 87(2)(b)

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on April 21, 2011 (encl. 7-7d). § 87(2)(g) While at the baby shower, § 87(2)(b) drank two glasses of Hennessy. § 87(2)(b) and approximately twelve other civilians were bringing gifts into the building. The officers told § 87(2)(b) that they received a call about a fight at the location. § 87(2)(b) told the officers that there was no fight at the location. The officers requested § 87(2)(b)'s identification. § 87(2)(b) saw PO Bobo, with whom he is familiar from prior incidents, and who knows that § 87(2)(b) is a resident of that building. PO Bobo told § 87(2)(b) to calm down. PO 1, identified by the investigation as Sgt. Glynn, was present. PO 2, identified by the investigation as PO Christensen, took his asp out and held it out toward the civilians and told them to leave. The civilians complied.

Sgt. Glynn told § 87(2)(b) that he would be arrested if he did not go upstairs. § 87(2)(b) repeatedly told Sgt. Glynn that there was no need for him to be arrested because he lives in that building. Sgt. Glynn only had one stripe on his uniform, so § 87(2)(b) called him a rookie. Sgt. Glynn was offended by this and repeatedly asked if § 87(2)(b) was calling him a rookie. § 87(2)(b)'s mother, § 87(2)(b) came downstairs from the 4th floor to see what was happening but the officers instructed her not to get involved.

Sgt. Glynn asked § 87(2)(b) whether he wanted to go to jail or to go home. § 87(2)(b) questioned Sgt. Glynn and Sgt. Glynn responded by pushing § 87(2)(b) against a wall. Other officers held § 87(2)(b) against the wall as Sgt. Glynn handcuffed § 87(2)(b). § 87(2)(b) did not resist. Once § 87(2)(b) was handcuffed, Sgt. Glynn pulled § 87(2)(b)'s arms up over his back as he led him to the patrol car. § 87(2)(b) suffered pain to his shoulder as his shoulder seemed to pop out of place. Upon getting to the patrol car, Sgt. Glynn snatched § 87(2)(b)'s doo rag from his head and stated that he is a Blood gang member because the doo rag was red. Then, Sgt. Glynn pushed § 87(2)(b) into the patrol car. § 87(2)(b) told Sgt. Glynn to wait because he was having trouble getting in. Sgt. Glynn stated that he would show § 87(2)(b) a rookie. § 87(2)(b) apologized but Sgt. Glynn stated that it was too late. § 87(2)(b) stated that his shoulder hurt and Sgt. Glynn stated that § 87(2)(b) would be hurting.

§ 87(2)(b) asked why § 87(2)(b) was arrested and mentioned that someone had recently died in police custody. The officers told § 87(2)(b) that he would be arrested also. As § 87(2)(b) sat in the patrol car, he witnessed approximately six white male officers pushing § 87(2)(b) against a garage gate adjacent to the building. § 87(2)(b) yelled and questioned what he had done. PO Christensen was the main officer actions with § 87(2)(b). PO Bobo was present but § 87(2)(b) was not able to see his interaction. From the patrol car, § 87(2)(b) yelled out to § 87(2)(b) for him to relax. PO Christensen pushed § 87(2)(b)'s back twice and his chest hit the gate. The officers did not give § 87(2)(b) any lawful orders. The officers handcuffed § 87(2)(b) and pushed him to the patrol car. PO Christensen made attempts to push § 87(2)(b) into the patrol car parked ahead of the patrol car in which § 87(2)(b) sat. The patrol cars were parked on Nostrand Avenue facing Hancock Street. § 87(2)(b) heard civilians, who gathered around the patrol car, yelling in opposition to the officers' interaction with § 87(2)(b) but § 87(2)(b) was unable to see what was happening because he had a limited view from where he was seated in the patrol car. § 87(2)(b) just put his head down. § 87(2)(b) was later informed that a patrol car window shattered but he did not witness this take place. § 87(2)(b) did not see any officers use a taser or pepper spray. § 87(2)(b) was transported to the precinct. § 87(2)(b) did not receive medical attention.

Attempts to Contact Civilians

The investigator contacted § 87(2)(b) on March 22, 2011. She scheduled an interview for March 28, 2011 but failed to appear and did not call prior to cancel or reschedule. On that same day, a missed appointment letter was mailed to § 87(2)(b). On April 11, 2011, the

investigator contacted § 87(2)(b) who scheduled an interview for April 18, 2011. However, again she failed to appear and did not call to cancel or reschedule. On June 9, 2011, the investigator mailed a please call letter to § 87(2)(b). On June 10, 2011, the investigator attempted to contact § 87(2)(b). There was no response and a message was left. § 87(2)(b) has not contacted the CCRB and the letters sent have not been returned.

The investigator attempted to contact § 87(2)(b) on April 26, 2011. He was unavailable and a message could not be left because there was no option to do so. On April 26, 2011 and May 24, 2011, letters were sent to § 87(2)(b). The letters have not been returned. The investigator contacted § 87(2)(b) on July 22, 2011 and he scheduled an interview for July 25, 2011. § 87(2)(b) failed to appear at the CCRB without calling to cancel or reschedule. However, since § 87(2)(b) testified that § 87(2)(b) arrived at the end of the incident, the investigation determined that his testimony was not needed. A please call letter was mailed to § 87(2)(b) on July 22, 2011. The letter was not returned to the CCRB. A phone number was located on the Lexis Nexis database. On May 22, 2012 a call was placed to her residence. An automated message stated that the voicemail system was not activated. On May 30, 2012 a final call was made to § 87(2)(b). However, a fast beeping tone was received and no message could be left.

NYPD Statement(s):

Witness Officer: POLICE OFFICER ALEXANDER BOBO

- § 87(2)(b) -old, 6' tall, 190 pound, black male with black hair and brown eyes
- On duty, in uniform, worked from 3:00 p.m. until 11:35 p.m., assigned to patrol a sector with Sgt. William Glynn as his operator in RMP # 3214

Memo Book

At 10:35 p.m., a dispute at § 87(2)(b). At 11:00 p.m., two arrests. At 11:35 p.m., escorted PO Dumelle to § 87(2)(b) (encl. 8-8b).

CCRB Testimony

PO Bobo was interviewed at the CCRB on August 3, 2011 (encl. 8c-8e). On March 19, 2011 at approximately 11:00 p.m., PO Bobo and Sgt. Glynn responded to a radio call regarding a dispute at § 87(2)(b) in Brooklyn. No other officers were present. There were no civilians outside the building. However, upon entering the building, there were several males and females in the hallway, and the officers were informed that a baby shower had taken place at the building. Those civilians entered an apartment. PO Bobo and Sgt. Glynn conducted a vertical in the building but did not find the 911 caller.

At the conclusion of the vertical, on the first floor, PO Bobo observed that other officers had arrived and interacted with § 87(2)(b). PO Bobo identified the officers as PO Danny Hernandez and PO Harold Hernandez after viewing the video of the incident. PO Bobo denied that either he or Sgt. Glynn interacted with any civilians.

§ 87(2)(b) was arrested inside the building and escorted out to PO Bobo's patrol car by PO Danny Hernandez, PO Harold Hernandez, Sgt. Glynn and PO Bobo. § 87(2)(b) entered the patrol car without any further incident. § 87(2)(b) yelled and cursed and appeared to be under the influence of a substance. PO Bobo could not recall any particular statements made by § 87(2)(b). Approximately fifteen civilians and six officers were present outside. PO Bobo did not witness any officers push § 87(2)(b).

A tussle ensued between § 87(2)(b) and PO Christensen and PO Urena. PO Bobo heard yelling, and observed § 87(2)(b) resisting arrest. PO Bobo did not know whether § 87(2)(b) was under the influence of any substance. PO Bobo did not witness § 87(2)(b) being pushed against a gate by officers nor did he hear the sound of a gate being struck. PO Bobo could not recall any particular statements made by § 87(2)(b). PO Bobo held down one of

§ 87(2)(b)'s arms to assist in handcuffing. § 87(2)(b) resisted, yelled and cursed and spit on PO Christensen. The officers lifted § 87(2)(b) by his arms and stood him up. § 87(2)(b) was placed in the patrol car. § 87(2)(b) kicked the window of the rear door and caused the window to break. PO Christensen, PO Urena and PO Dumelle were present. PO Dumelle was struck by shards of glass and sustained a laceration to his eye and bled. PO Bobo did not sustain any injuries and did not think that PO Christensen and PO Urena sustained injuries. Once the glass was broken, § 87(2)(b) remained in the patrol car, which was missing the window. At no point during the incident was § 87(2)(b) punched, pepper sprayed or tasered. Sgt. Glynn was the only sergeant at the location and the only one equipped with a taser. All the officers were equipped with pepper spray. PO Bobo did not witness any officer lean into the patrol car over § 87(2)(b). Sgt. Glynn ordered the officers to leave the incident location. PO Bobo did not recall the presence of PO Hughes and PO Augustin at the incident location.

PO Bobo returned to the 79th Precinct with Sgt. Glynn. An ambulance was called to the precinct on account of PO Dumelle's injuries and PO Bobo accompanied PO Dumelle to § 87(2)(b). PO Bobo never heard § 87(2)(b) request medical attention and did not know which officers interacted with § 87(2)(b) at the precinct.

Subject Officer: SERGEANT WILLIAM GLYNN

§ 87(2)(b)-old, 6'1" tall, 225 pound, white male with brown hair and brown eyes

•On duty, in uniform, worked from 2:50 p.m. until 11:47 p.m., assigned as the Patrol Supervisor with PO Bobo, in RMP# 3214

Memo Book

At 11:00 p.m., arrived at § 87(2)(b) regarding a dispute. At 11:13 p.m., two arrests, § 87(2)(b) dob: § 87(2)(b), by PO Christensen for § 87(2)(b). § 87(2)(b) kicked out RMP 1908 after being placed in rear for transport. Continued to scream, yell and spit throughout the process. § 87(2)(b) dob: § 87(2)(b), § 87(2)(b), arrested by PO Danny Hernandez. At 11:20 p.m., arrived at 79th Precinct stationhouse (encl. 14-14b).

CCRB Testimony

Sgt. William Glynn was interviewed at the CCRB on August 18, 2011 (encl. 14c-14e). § 87(2)(g) Additional information is listed below.

Sgt. Glynn and PO Bobo were the first officers to arrive. Approximately twenty five civilians exited the building and stated that they just left a party. Some of the individuals appeared to have been under the influence of alcohol. Sgt. Glynn and PO Bobo inquired about the reported dispute at the location but were unable to find out any information. Some of the party patrons only alluded to a dispute at the location. Sgt. Glynn and PO Bobo conducted a vertical to the top floor of the building. On their way back down, Sgt. Glynn heard yelling coming from the lobby. PO Hernandez and PO Hernandez handcuffed § 87(2)(b) who was disorderly and under the influence of alcohol. No officer pushed § 87(2)(b) against a wall. § 87(2)(b) yelled. PO Danny Hernandez and Sgt. Glynn escorted § 87(2)(b) to the patrol car. Many civilians gathered outside and yelled in opposition to § 87(2)(b)'s arrest. No officer pulled § 87(2)(b)'s handcuffed arms up over his head. § 87(2)(b) was placed in the patrol car without any further incident. Sgt. Glynn observed that PO Urena, PO Hughes, PO Augustin, and PO Christensen arrived at the building. PO Christensen and other uniformed officers, who Sgt. Glynn was unable to identify, struggled to get § 87(2)(b)'s hands together in an effort to handcuff him. § 87(2)(b) screamed, yelled and violently resisted. Sgt. Glynn did not use, witness the use of, or smell pepper spray at any time during the incident. Sgt. Glynn did not see any officers throw § 87(2)(b) to the ground or punch his head.

§ 87(2)(b) was handcuffed and escorted to a patrol car by PO Christensen. § 87(2)(b) resisted being placed in the patrol car and spit in PO Christensen's face. Sgt. Glynn and three or four other officers who Sgt. Glynn could not identify finally got § 87(2)(b) into the patrol car and closed the door. Sgt. Glynn did not see any officers lean into the patrol car and punch § 87(2)(b) and he denied doing so himself. § 87(2)(b) did not have any visible injuries and he did not request medical attention. Sgt. Glynn called out for PO Hughes, the driver of the patrol car, to drive § 87(2)(b) away from the incident location and to the precinct.

Sgt. Glynn heard the sound of shattered glass and felt the glass hit his back. Sgt. Glynn observed that § 87(2)(b) had kicked out the rear window of the patrol car. PO Dummelle's face and PO Christensen's hand bled as a result of the broken glass. Sgt. Glynn took out his taser and warned § 87(2)(b) that if he kicked out another window, he would be tasered. § 87(2)(b) stopped kicking and Sgt. Glynn placed his taser back in the holster. Sgt. Glynn did not use his taser at any point during the incident. PO Hughes got back to his patrol car. No officers leaned into the patrol car to interact with § 87(2)(b). PO Hughes did not verbally interact with Sgt. Glynn. PO Hughes drove off with § 87(2)(b) and PO Augustin in the patrol car. Sgt. Glynn was at the incident location for approximately thirteen minutes.

Sgt. Glynn arrived at the stationhouse before PO Hughes's patrol car arrived there. Sgt. Glynn heard § 87(2)(b) continuously yelling. Sgt. Glynn determined that § 87(2)(b) was calm enough to exit the patrol car of his own will. § 87(2)(b) stepped out of the patrol car and spit in Sgt. Glynn's face. Sgt. Glynn placed § 87(2)(b) against the patrol car. Sgt. Glynn heard someone state, "Sarge, we got him." Sgt. Glynn denied hitting or seeing another officer hit § 87(2)(b). § 87(2)(b) was escorted into a cell inside the stationhouse by an unidentified officer. Sgt. Glynn went to the bathroom, rinsed his face, mouth and contact lenses. Sgt. Glynn did not see or interact with § 87(2)(b) at the precinct. Sgt. Glynn did not recall any other physical interaction between § 87(2)(b) and officers than what he maintained during the interview.

Subject Officer: POLICE OFFICER BRIAN CHRISTENSEN

- § 87(2)(b) -old, 6' tall, 210 pound, white male with brown hair and blue eyes
- On duty, in uniform, assigned to Conditions with PO Frances Urena unmarked, silver Ford Crown Victoria

Memo Book

At 11:05 p.m., backing unit at § 87(2)(b) regarding a crime in progress, group fighting. At 11:13 p.m., crime arrest in front of § 87(2)(b) § 87(2)(b) (§ 87(2)(b)). § 87(2)(b) (§ 87(2)(b)). 12:02 a.m., arrived at § 87(2)(b) via EMS, ACR # § 87(2)(b) for cuts/lacerations to hands. At 3:00 a.m., discharged, returning to stationhouse for arrest processing (encl. 9-9c).

CCRB Testimony

PO Christensen was interviewed at the CCRB on August 9, 2011 (encl. 9d-9f). § 87(2)(g)
§ 87(2)(b) was handcuffed without incident by Sgt. Glynn and PO Bobo and walked to the patrol car. PO Christensen did not interact with § 87(2)(b) and did not see any officers push § 87(2)(b) against a wall or pull § 87(2)(b)'s handcuffed hands above his head. Civilians from the crowd followed § 87(2)(b) to the patrol car so PO Christensen and PO Urena exercised crowd control. § 87(2)(b) approached PO Christensen, and was irate and cursed. PO Christensen extended his right arm and instructed § 87(2)(b) to stay back. § 87(2)(b) came toward PO Christensen and pushed down PO Christensen's arm. PO Christensen gave § 87(2)(b) several orders to stay back. Given that he was not compliant, PO Christensen told § 87(2)(b) he would be arrested. § 87(2)(b) was not compliant. As a result, PO Christensen informed § 87(2)(b) that he would be placed under arrest. § 87(2)(b) resisted arrest by placing his

hands against his chest. PO Christensen took hold of § 87(2)(b)'s body with both hands and placed § 87(2)(b) against a gate. PO Christensen gave § 87(2)(b) several orders to stop resisting but § 87(2)(b) did not comply. § 87(2)(b) struggled with PO Christensen and other officers and refused to be handcuffed. For everyone's safety, PO Christensen grabbed § 87(2)(b)'s arms and guided him down to the ground. Officers, whom PO Christensen could not identify, assisted PO Christensen in handcuffing § 87(2)(b) as he lay on the ground on his stomach by trying to pull § 87(2)(b)'s arms out from under him so that he could be handcuffed. PO Christensen denied seeing any officers punch § 87(2)(b) in the back of the head or on any part of the body. PO Christensen did not see any officer use pepper spray nor did he smell pepper spray.

Once handcuffed, PO Christensen escorted § 87(2)(b) to a patrol car. § 87(2)(b) initially resisted entering the vehicle by standing erect and refusing multiple orders to enter the vehicle. PO Christensen led § 87(2)(b) into the patrol car. PO Christensen did not recall whether any officers assisted him. PO Christensen denied seeing any officer punch § 87(2)(b) while he was seated in the patrol car. § 87(2)(b) was not tasered by Sgt. Glynn.

PO Christensen's hands were cut from where § 87(2)(b) kicked the window out of the car. PO Dumelle was struck in the face with glass. After the glass was kicked out, § 87(2)(b) kicked at him so PO Christensen walked around to the rear door on the passenger side, opened the door and attempted to pull § 87(2)(b) away from the door with the broken window.

At the precinct, PO Christensen did not hear § 87(2)(b) request medical attention. PO Christensen did not witness any injuries on § 87(2)(b)'s person. PO Christensen was shown § 87(2)(b)'s arrest photo but PO Christensen could not recall seeing the injuries to § 87(2)(b)'s face that were pictured in the photo, which included a bruise to the left side of § 87(2)(b)'s face and a laceration to the bridge of his nose.

Witness Officer: POLICE OFFICER FRANCES URENA

- § 87(2)(b) -old, 5'8" tall, 163 pound, Hispanic female with brown hair and brown eyes
- On duty, in uniform, worked from 5:30 p.m. until 2:05 a.m., assigned to Conditions with PO Brian Christensen

Memo Book

At 11:13 p.m., an arrest by PO Christensen in front of § 87(2)(b) (encl. 12b-12c).

CCRB Testimony

PO Urena was interviewed at the CCRB on August 11, 2011 (encl. 12b-12c). PO Urena did not witness any officer push § 87(2)(b) against a wall or raise his handcuffed hands above his head. Due to the crowd, PO Christensen and PO Urena did crowd control. § 87(2)(b) attempted to walk past PO Urena and PO Christensen several times and was instructed several times to step back. § 87(2)(b) attempted again to walk through. PO Christensen raised his hand and told § 87(2)(b) that he could not walk in that direction. § 87(2)(b) struck PO Christensen's hand. As a result, PO Christensen and PO Urena made attempts to handcuff § 87(2)(b).

§ 87(2)(b) resisted arrest by flailing his arms. PO Christensen placed § 87(2)(b) against a gate to decrease his movement and facilitate the handcuffing. § 87(2)(b) continued to resist and § 87(2)(b) PO Christensen and PO Urena ended up on the ground. PO Urena did not recall whether § 87(2)(b) was brought to the ground or if he fell. PO Urena kept pulling § 87(2)(b)'s hands toward his back to facilitate the arrest. PO Urena denied punching § 87(2)(b) in the back or seeing any other officer do so. Ultimately, § 87(2)(b) was handcuffed. PO Urena did not recall whether § 87(2)(b) was pepper sprayed, whether she took out her pepper spray or whether she smelled pepper spray at the incident location.

PO Christensen and PO Urena escorted § 87(2)(b) to a patrol car but he resisted being placed in the patrol car. PO Urena walked to the rear passenger side of the patrol car and

pulled § 87(2)(b) into the patrol car and PO Christensen physically guided § 87(2)(b)'s legs into the patrol car at the rear driver's side door. Neither she or PO Christensen punched § 87(2)(b). § 87(2)(b) kept kicking his legs and kicked PO Christensen in the chest. Once the rear patrol car door was closed, § 87(2)(b) continued kicking and broke the window. PO Urena speculated that § 87(2)(b) was removed from the patrol car but did not recall for sure. PO Urena continued to do crowd control and then left the incident location. PO Urena did not see § 87(2)(b) tasered and did not see Sgt. Glynn with his taser out.

PO Urena saw § 87(2)(b) when he was brought into the stationhouse but PO Urena did not recall whether § 87(2)(b) had any visible injuries. PO Urena was shown § 87(2)(b)'s arrest photo and she speculated that § 87(2)(b) was asked whether he wanted medical attention by an officer, whose identity she could not recall, at the stationhouse and he refused. PO Urena was unable to recall this with certainty. PO Urena was unable to provide any further details of the incident. PO Urena did not recall whether she interacted with § 87(2)(b) at the precinct. PO Urena did not recall whether § 87(2)(b) complained of injuries to her or other officers.

Witness Officer: POLICE OFFICER ADAM DUMELLE

- § 87(2)(b) -old, 5'9" tall, 180 pound, white male with blonde hair and blue eyes
- On duty, in uniform, worked from 3 p.m. until 11:35 p.m., with PO Emilio Ortega assigned to patrol sector

Memo Book

At 11:10 p.m., dispute at § 87(2)(b) At 11:15 p.m., perpetrator broke window of the patrol car. Shattered glass in face. At 11:20 p.m., en route to § 87(2)(b) (encl. 11-11c).

CCRB Testimony

PO Dumelle was interviewed at the CCRB on August 11, 2011 (encl. 11d-11e). § 87(2)(g)

§ 87(2)(b) was placed into a patrol car. PO Dumelle looked back at the patrol car when he heard the door close, at which time, shattered glass flew at PO Dumelle's face and he sustained a laceration under his left eye and on the side of his nose. PO Dumelle was shocked but he continued to do crowd control. Then, PO Dumelle got back into his patrol car with PO Ortega and returned to the stationhouse. § 87(2)(b) was physically uncooperative and kicked at the officers. Once § 87(2)(b) was in the holding cell, PO Dumelle walked away. § 87(2)(b) did not request medical attention. PO Dumelle did not observe any injuries on § 87(2)(b)'s face. PO Dumelle was treated at § 87(2)(b) as was PO Christensen.

Witness Officer: POLICE OFFICER DANNY HERNANDEZ

- § 87(2)(b) -old, 5'8" tall, 200 pound, Hispanic male with brown hair and brown eyes
- On duty, in uniform, assigned to patrol sector CHN with PO Harold Hernandez in RMP # 5067

Memo Book

At 11:01 p.m., dispute at § 87(2)(b) At 11:13 p.m., crime arrest at location. At 11:19 p.m., arrived at stationhouse. At 11:56 p.m., defendant § 87(2)(b) did authorize § 87(2)(b) to retrieve the listed property: 1 red durag [sic], 1 \$50 USC bill, 4 keys on a ring. She resides at § 87(2)(b) (encl. 13-13c).

CCRB Testimony

PO Danny Hernandez was interviewed at the CCRB on August 12, 2011 (encl. 13d-13e). On March 19, 2011 at approximately 11:00 p.m., PO Danny Hernandez and PO Harold Hernandez received a radio call regarding a dispute at the top floor of § 87(2)(b)

§ 87(2)(b) initially refused to be handcuffed by turning against a wall but he relented and was handcuffed without incident. PO Danny Hernandez did not recall whether he or PO Harold Hernandez shoved § 87(2)(b) against a wall. PO Danny Hernandez and PO Harold Hernandez led § 87(2)(b) to their patrol car. PO Danny Hernandez did not recall whether he or PO Harold Hernandez pulled § 87(2)(b)'s rear cuffed arms up over his head. Approximately six additional uniformed officers arrived. Approximately 15 irate civilians gathered in front of the building and yelled. PO Danny Hernandez placed § 87(2)(b) in the patrol car without incident. Sgt. Glynn instructed PO Danny Hernandez to transport § 87(2)(b) to the precinct and PO Danny Hernandez and PO Harold Hernandez left the incident location. PO Danny Hernandez and PO Harold Hernandez were at the incident location for approximately 18 minutes.

PO Danny Hernandez did not know whether pepper spray or a taser was used at the incident location. PO Danny Hernandez was shown § 87(2)(b)'s arrest photo and maintained that he never saw § 87(2)(b) at the incident location or at the precinct. PO Danny Hernandez did not recall PO Christensen and PO Urena being present at the incident location.

Witness Officer: POLICE OFFICER JAMES HUGHES

- § 87(2)(b)-old, 5'9" tall, 220-pound, black male, bald with brown eyes
- On duty, in uniform, worked from 3:00 p.m. until 11:35 p.m., assigned to patrol sector A with PO Jeffrey Augustin in RMP # 1908

Memo Book

At 11:15 p.m., additional units needed at Nostrand Avenue and Halsey Street (encl. 10-10b).

CCRB Testimony

PO James Hughes was interviewed at the CCRB on August 12, 2011 (encl. 10c-10e). On March 19, 2011 at approximately 11:00 p.m., PO Hughes and PO Augustin drove along Nostrand Avenue and observed cars were stopped on the street. PO Hughes did not hear a radio call with regard to this incident. PO Hughes observed Sgt. Glynn, PO Christensen and several officers from their command struggle on the ground with § 87(2)(b). PO Hughes did not see any of the officers punch § 87(2)(b) in the back. PO Hughes and PO Augustin exited the car. PO Hughes did not see any officers use pepper spray against § 87(2)(b). § 87(2)(b) shoved § 87(2)(b) against a gate or throw § 87(2)(b) to the ground.

PO Hughes approached a crowd of approximately 20 irate civilians and performed crowd control. A female civilian with a video camera approached PO Hughes and PO Hughes told her to calm down. Suddenly, PO Hughes heard the rear window on the driver's side of his patrol car kicked out. PO Hughes ran toward his patrol car and observed § 87(2)(b) who was rear cuffed, seated in the rear seat with a red dot illuminated on his forehead. PO Hughes saw Sgt. Glynn pointing his taser at § 87(2)(b). PO Hughes stated to Sgt. Glynn, "What the fuck are you doing?" Sgt. Glynn lowered his taser and PO Hughes did not witness Sgt. Glynn shoot the taser. PO Hughes did not recall whether any other officers were present. PO Hughes did not know which officer used pepper spray against § 87(2)(b). PO Hughes stuck his head in the car and started coughing because there was an odor of pepper spray in the car. Glynn instructed PO Hughes and PO Augustin to drive away from the incident location. PO Hughes did not witness any officers lean into the patrol car or punch § 87(2)(b) as he sat in the patrol car.

PO Hughes and PO Augustin escorted § 87(2)(b) to the precinct. § 87(2)(b) yelled profanity at the officers and said he was unable to see because of the pepper spray. As PO Hughes and PO Augustin were getting out of their vehicle in the precinct parking lot, § 87(2)(b) spat at Sgt. Glynn's face. Sgt. Glynn punched § 87(2)(b) once in the face with the closed fist of his right hand. PO Hughes and PO Augustin were the only officers present when this happened. PO Hughes looked at PO Augustin and told him that it was time for them to go

home. PO Hughes signed out and left the precinct. PO Hughes never heard § 87(2)(b) request medical attention.

Witness Officer: POLICE OFFICER JEFFREY AUGUSTIN

- § 87(2)(b) -old, 5'7" tall, 165 pound, black male with black hair and brown eyes
- On duty, in uniform, worked from 3:00 p.m. until 11:35 p.m., assigned to patrol with PO James Hughes, in RMP # 1908 as the recorder

Memo Book

At 11:15 p.m., additional units needed at Nostrand Avenue and Halsey Street (encl. 15-15a).

CCRB Testimony

PO Augustin was interviewed at the CCRB on August 30, 2011 (encl. 15b-15c) § 87(2)(b)

PO Augustin did not smell pepper spray in the car but PO Hughes coughed as a result of having been effected by the presence of pepper spray. PO Augustin did not smell pepper spray at the incident location and he did not see any officers with their pepper spray out. PO Augustin could not recall whether any officers opened the door to the patrol car after the glass was broken. Sgt. Glynn drew his taser and ordered § 87(2)(b) to stop. PO Augustin ran to the patrol car because Sgt. Glynn ordered PO Augustin and PO Hughes to transport § 87(2)(b) to the precinct immediately. Sgt. Glynn did not use the taser and he put it away before PO Augustin left the incident location. Given his experience, PO Augustin is familiar with the sound emitted by a taser when it is used and he did not hear this sound while Sgt. Glynn had his taser out. This was the sole instance when PO Augustin saw Sgt. Glynn with his taser out.

When PO Augustin and PO Hughes arrived at the precinct parking lot, Sgt. Glynn approached the patrol car and escorted § 87(2)(b) out of the car. § 87(2)(b) spit in Sgt. Glynn's face. Sgt. Glynn punched § 87(2)(b) once in the face with the closed fist of his right hand. § 87(2)(b) did not sustain any visible injuries as a result of the punch.

Witness Officer: POLICE OFFICER JOSE ALICEA

- § 87(2)(b) -old, 5'11" tall, 253 pound, Hispanic male with brown hair and brown eyes
- On duty, in uniform, assigned to the holding cell area at the 79th Precinct stationhouse

Memo Book

PO Alicea did not have any entries in his memo book regarding this incident (16-16b).

CCRB Testimony

PO Alicea was interviewed at the CCRB on September 27, 2011 (encl. 16c-16d). On March 19, 2011 at approximately 11:00 p.m., PO Alicea was at the cell area speaking with his midnight relief, PO Williams, when he heard loud yelling come from the front desk area. § 87(2)(b) and § 87(2)(b) were being escorted to the front desk. PO Dumelle walked into the precinct and his face was bleeding. PO Alicea went to get tissues for PO Dumelle.

§ 87(2)(b) and § 87(2)(b) were escorted to the holding cell area by officers whose identity PO Alicea could not recall. PO Bobo was present. PO Alicea requested § 87(2)(b) s and § 87(2)(b) s identifications because he wanted to log the prisoners into the command log. One of the officers stated with an attitude that they would get identifications to PO Alicea. PO Alicea did not appreciate the tone used by the officers so he went outside, had a cigarette and then left the precinct. On his way out, PO Alicea saw Sgt. Glynn behind the desk. Sgt. Glynn appeared angry because his face was flushed red. PO Alicea did not recall whether § 87(2)(b) or § 87(2)(b) requested medical attention.

Medical Records

The documents in connection with § 87(2)(b)'s treatment at § 87(2)(b) indicated that § 87(2)(b) was admitted at the hospital on § 87(2)(b). § 87(2)(b)'s chief complaint was that he sustained an injury to his right shoulder, left leg, neck and face four days prior as a result of being assaulted by police. § 87(2)(b) described the severity of his pain as a six on a scale of one to ten. § 87(2)(b)'s medical history revealed that he suffers from asthma and diabetes requiring insulin injections. A physical examination revealed no acute distress and § 87(2)(b) was alert. § 87(2)(b)'s left shoulder and right shoulder revealed tenderness in the soft tissue but no bruising. § 87(2)(b)'s head showed damage and his neck/back showed a mild tenderness. § 87(2)(b) was prescribed one dose of 30 mg of Toradol IM at the hospital for pain. § 87(2)(b) was prescribed 400 mg of Ibuprofen to be taken three times a day after a meal. The final diagnosis was that the pain was the result of a physical assault with soft tissue affected on the right posterior chest. The treatment concluded at 8:45 p.m. and § 87(2)(b) was advised to visit the Medical Clinic in 2-3 days (encl. 16f-16g).

NYPD Document(s)

Sprint

On March 19, 2011 at 11:01 p.m., there was a call reporting a group fighting at § 87(2)(b) between Jefferson Avenue and Hancock Street in Brooklyn. It was unknown whether there were injuries or weapons at the location. An arrest was called in by Sector C at 11:14 p.m. At 11:15 p.m., an ambulance was requested to the 79th Precinct stationhouse for an injured officer (encl. 17-17a).

Complaint Report (UF-61)

Complaint Report # § 87(2)(b) revealed that § 87(2)(b) was charged with § 87(2)(b). The narrative stated, "§ 87(2)(b), § 87(2)(a) 160.50
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)"

Arrest Report

Arrest Report # § 87(2)(b) documented that at 11:13 p.m. on March 19, 2011, § 87(2)(b) whose physical condition was noted as intoxicated by alcohol, was arrested for § 87(2)(b), § 87(2)(a) 160.50. The arresting officer was PO Christensen. The narrative stated, § 87(2)(b), § 87(2)(a) 160.50
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
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§ 87(2)(b)
§ 87(2)(b)

Arrest Photo

§ 87(2)(b)'s arrest photo documents that § 87(2)(b) had a vertical laceration at the bridge of his nose and bruising on the right side of his face.

Command Log

The command log revealed that § 87(2)(b)'s physical condition was intoxicated and § 87(2)(b)'s physical condition was normal. They were transported to Bronx Central Booking at 8:43 a.m. (encl. 20).

Taser/Stun Gun Report

A request by the CCRB for the taser/stun gun report yielded negative results (encl. 23d).

Other Evidence

Below is a summary of video footage of the incident provided to the CCRB which was filmed by an unidentified female:

During the first three minutes of the video footage the following can be seen and heard: PO Danny Hernandez and PO Harold Hernandez speaking to § 87(2)(b) inside the building. PO Danny Hernandez appeared to be checking an identification. § 87(2)(b) repeatedly stated that he resides there, cursed and yelled that the officers were only on the job for three years. He paced back and forth and two unidentified black male civilians walk by. One of the males was holding a plate of food. PO Danny Hernandez physically guided the unidentified black males toward the door and requested that they leave the building.

Sgt. Glynn and PO Bobo walked down the staircase. § 87(2)(b) referred to PO 4 as "Bobo." One of the officers asked § 87(2)(b) if he had too much to drink. § 87(2)(b)'s mother walked down the stairs and asked what happened. § 87(2)(b) yelled, "Bobo, you know I live here." One of the officers, it is unclear which officer, stated to § 87(2)(b) "Relax, bro, I am talking. Listen. Calm down. Do you want to go to go home or do you want to go to jail, bro. What do you want to do, bro?" § 87(2)(b) kept talking and his mother told him to shut up. All the officers lead § 87(2)(b) out of the building.

The footage became completely blurry and banging was heard in the background. A male repeatedly stated, "Get back," a female stated, "Get off of him. What happened?" A male repeatedly stated, "It's all on video." A male repeatedly yelled, "Stop resisting." A male stated, "I'm not doing nothing." A female yelled, "They were fucking hitting him while he was already in handcuffs." Someone yelled, "He is beating him in the car." A male is heard talking to the videographer stating, "Listen, I don't want to see you get locked up." She replied, "I know my rights." The male stated, "I know but you will get yourself in trouble, Sweetie." The videographer replied, "I can tape you guys. You are public figures." A male yelled, "How does it feel to be a brother doing that?"

Then, the footage became clear but briefly and in very slow motion. The patrol car number pictured is 1908. Sgt. Glynn leaned into the backseat of the patrol and appears to be holding a yellow object in his right hand. § 87(2)(b)'s red sneakers are still outside the patrol car. It appeared that § 87(2)(b) was lying down on his back and Sgt. Glynn leaned over him. It is unclear what Sgt. Glynn did in the car. Then, Sgt. Glynn appeared to close the door on the civilian's feet. Sgt. Glynn appears to holster a yellow object into the right side of his uniform. The frame skips, then the footage becomes blurry again (encl. 6e).

Summons/Arrest for Incident and Disposition

- § 87(2)(b), § 87(2)(a) 160.50

Status of Civil Proceedings

- § 87(2)(b) and § 87(2)(b) have not filed a Notice of Claim with the City of New York as of May 22, 2012 with regard to the incident.
- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b). (See civilian testimony).

Civilian(s) Criminal History

- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]

Civilian(s) CCRB History

- § 87(2)(b) has not filed any complaints with the CCRB (encl. 4).
- § 87(2)(b) has filed the following CCRB complaint: § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]

Subject Officer(s) CCRB History

- Sgt. Glynn has been a member of the service for eight years and there are two substantiated CCRB allegations against him: In case # 200605789, an allegation of strip search was substantiated against Sgt. Glynn and charges were recommended. The NYPD imposed command discipline. In case # 200712972, an allegation of frisk was substantiated against Sgt. Glynn and command discipline was recommended. The NYPD did not take any action (encl. 2-2b).
- PO Christensen has been a member of the service for five years and there are no substantiated CCRB allegations against him (encl. 3).

Conclusion

Allegations not pleaded

- § 87(2)(b) alleged that when he complained that he was hurting, Sgt. Glynn responded that he would be hurting. § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
- § 87(2)(b) stated when he awoke at the precinct, he was lying on his back. Officers had removed § 87(2)(b)'s shoes and belt. § 87(2)(b)'s pants were pulled down almost to his knees and his underwear was revealed. § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]

Identification of Subject Officer(s)

- § 87(2)(b) alleged that Sgt. Glynn slammed him against the gate. § 87(2)(g) [REDACTED]
[REDACTED]
- PO Christensen admitted to a physical interaction with § 87(2)(b) and PO Urena confirmed this. § 87(2)(g) [REDACTED]
- § 87(2)(b) alleged that either PO Urena or a white male officer pepper sprayed him. § 87(2)(g) [REDACTED]
[REDACTED]

- § 87(2)(b) alleged that unidentified officers punched him while on the ground. § 87(2)(g)
- § 87(2)(b) alleged that Sgt. Glynn punched him while in the patrol car. § 87(2)(g)
- The video of the incident showed Sgt. Glynn holding his taser and Sgt. Glynn admitted to pointing his taser at § 87(2)(b) § 87(2)(g)
- § 87(2)(g)
- PO Hughes and PO Augustin corroborated that Sgt. Glynn used force against § 87(2)(b) outside the stationhouse § 87(2)(g)
- § 87(2)(b) alleged that while at the precinct, Sgt. Glynn used profanity towards him. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A: Inside of § 87(2)(b) in Brooklyn, Sgt. William Glynn used physical force against § 87(2)(b)

§ 87(2)(b) alleged that Sgt. Glynn pushed him against a wall inside the lobby of § 87(2)(b) in Brooklyn as other officers handcuffed him. Officers deny this allegation.

The video documents that Sgt. Glynn, PO Bobo, PO Danny Hernandez and PO Harold Hernandez were inside the lobby of the building. Sgt. Glynn did not use any force against § 87(2)(b). Sgt. Glynn instructed the officers to place § 87(2)(b) in handcuffs after walking down the stairs into the lobby from a higher floor and observing § 87(2)(b) yell and curse at PO Harold Hernandez and PO Danny Hernandez. Subsequently, § 87(2)(b) was handcuffed by PO Harold Hernandez and PO Danny Hernandez without any further incident.

§ 87(2)(g)

Allegation B: PO Brian Christensen used physical force against § 87(2)(b)

§ 87(2)(b) stated that he approached officers following § 87(2)(b)'s arrest, asked why § 87(2)(b) was arrested, and mentioned that someone had recently died in police custody. § 87(2)(b) alleged that PO Christensen shoved him against a store gate numerous times. § 87(2)(b) stated he witnessed approximately six white male officers pushing § 87(2)(b) against a garage gate adjacent to the building.

According to Patrol Guide Procedure Section 203-11 officers are permitted to use only the amount of force necessary to effect an arrest or overcome resistance (encl. 1).

PO Christensen stated that § 87(2)(b) approached him, cursed and was irate. In response, PO Christensen extended his right arm in front of himself with his open palm toward § 87(2)(b) and instructed § 87(2)(b) to stay back but § 87(2)(b) came toward him and pushed down his arm. PO Christensen gave § 87(2)(b) several more orders to stay back but § 87(2)(b) was not compliant. § 87(2)(b) resisted arrest by placing his hands against his chest. Subsequently, PO Christensen took hold of § 87(2)(b)'s body with both hands and placed § 87(2)(b) against a gate. PO Christensen gave § 87(2)(b) several orders to stop resisting but § 87(2)(b) did not comply. § 87(2)(b) struggled with PO Christensen and other officers and refused to be handcuffed. For everyone's safety, PO Christensen grabbed § 87(2)(b)'s arms and guided him down to the ground. PO Urena corroborated PO Christensen's account by stating that § 87(2)(b) struck PO Christensen's arm and resisted arrest. PO Bobo also stated that § 87(2)(b) resisted arrest, yelled, cursed and spat. PO Hughes witnessed § 87(2)(b) struggle on the ground with officers and speculated that he was being arrested.

The video does not show the apprehension of § 87(2)(b). During his CCRB interview, § 87(2)(b) denied that he was under the influence of drugs or alcohol. However, his arrest report documented that he was intoxicated by alcohol. § 87(2)(b) also maintained that § 87(2)(b) consumed alcohol. § 87(2)(b) was seen at § 87(2)(b) three days after the incident where it was determined that § 87(2)(b) sustained soft tissue injury and mild tenderness. § 87(2)(g)

§ 87(2)(g)

Allegation C: Force: An officer used pepper spray against § 87(2)(b)

During his CCRB interview PO § 87(2)(b) alleged that while he was placed against the gate and handcuffed, PO Urena pepper sprayed him. He provided a description of her and stated that he discharged the pepper spray from three inches away from his face. However, on the notice of claim, § 87(2)(b) stated that while against the fence and handcuffed, either a white male officer or a female officer [PO Urena] pepper sprayed him. He was then thrown to the ground, struck and pepper sprayed a second time. Furthermore, during his 50H Hearing, § 87(2)(b) § 87(2)(a) Gen.Mun. §50-H(3)

PO Urena did not recall whether § 87(2)(b) was pepper sprayed, whether she took out her pepper spray or whether she smelled pepper spray at the incident location. No other officer admitted to pepper spraying § 87(2)(b). Although PO Christensen was involved in handcuffing § 87(2)(b) with PO Urena, he did not see pepper spray being used or smell pepper spray. PO Dumelle also denied that pepper spray was used as § 87(2)(b) was apprehended. Sgt. Glynn did not witness the use of pepper spray and did not smell pepper spray at all during the incident.

PO Hughes maintained that he smelled pepper spray when he leaned into the patrol car to talk to § 87(2)(b). PO Hughes did not see which officer used pepper spray against § 87(2)(b). PO Augustin did not smell pepper spray in the car but saw PO Hughes cough as a result of having been effected by the presence of pepper spray. PO Augustin did not smell pepper spray at the incident location and he did not see any officers with their pepper spray out. The video footage did not show § 87(2)(b) being pepper sprayed.

§ 87(2)(g)

Allegation D: Force: Officers used physical force against § 87(2)(b)

Allegation G: Abuse of Authority: Officers did not obtain medical treatment for § 87(2)(b)

§ 87(2)(b) alleged that while he was on the ground, approximately five to six officers punched him on the back of his head. In addition, § 87(2)(b) alleged that he was denied medical attention by officers. He was unable to identify these officers by name, shield number or description.

Officers interviewed denied that this level of force was used against § 87(2)(b) and that he requested medical attention. There are no independent witnesses to § 87(2)(b)'s allegation of the refusal to obtain medical treatment. § 87(2)(g)

Allegation E: Sgt. William Glynn used physical force against § 87(2)(b)

§ 87(2)(b) alleged that when he was placed in the patrol car, Sgt. Glynn entered the car and struck him in the face several times with a closed fist causing § 87(2)(b)'s lip to become swollen. During his 50H Hearing, § 87(2)(a) Gen.Mun. §50-H(3)

§ 87(2)(b) The video shows that Sgt. Glynn leaned into the backseat of the patrol car but it is unclear whether he used force against § 87(2)(b) while doing so. None of the officers interviewed witnessed Sgt. Glynn use force against § 87(2)(b) inside the patrol car.

§ 87(2)(g)

Allegation F: Sgt. William Glynn tasered § 87(2)(b)

§ 87(2)(b) alleged that while handcuffed in the back of the patrol car, Sgt. Glynn tasered him, striking him between his eyes on the top of his nose. While in the cells, he claimed that a metal particle fell from his face, which he believed came from the taser. Although the video showed Sgt. Glynn holding his taser, Sgt. Glynn denied using his taser against § 87(2)(b)

None of the officers interviewed saw Sgt. Glynn taser § 87(2)(b) PO Hughes maintained that he saw Sgt. Glynn pointing his taser at § 87(2)(b) PO Hughes maintained that when he asked Sgt. Glynn what he was doing, the sergeant lowered his taser. PO Hughes did not witness Sgt. Glynn shoot the taser. A request for the Taser Report revealed that no such report was prepared in connection with this incident. Additionally, § 87(2)(b)'s arrest paperwork does not document that any weapon was used against § 87(2)(b) § 87(2)(b)'s arrest photo does show a small laceration on the bridge of his nose. § 87(2)(g)

§ 87(2)(g)

Allegation H: Force: In the parking lot of the 79th Precinct Stationhouse, Sgt. William Glynn used physical force against § 87(2)(b)

§ 87(2)(b) maintained that he did not know anything that occurred from the time that he was driven away from the incident location until the time that he woke up lying in a holding cell inside the precinct. However, during his CCRB interview, PO Hughes stated that in the precinct parking lot, § 87(2)(b) spit at Sgt. Glynn's face and as a result, Sgt. Glynn punched § 87(2)(b) once in the face with the closed fist of his right hand as § 87(2)(b) stood handcuffed.

§ 87(2)(g)

§ 87(2)(b) PO Hughes maintained that only he and PO Augustin witnessed this alleged force. Sgt. Glynn maintained that § 87(2)(b) spit at him and he subsequently turned him around. Sgt. Glynn denied hitting § 87(2)(b)

With regard to the use of force permitted by the Department, Patrol Guide Procedure 203-11 states that "amount of force necessary to overcome resistance will be used to effect an arrest."

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation I: Discourtesy: At the 79th Precinct Stationhouse, Sgt. William Glynn spoke rudely to § 87(2)(b)

§ 87(2)(b) alleged that while at the holding cells of the precinct, Sgt. Glynn snatched § 87(2)(b)'s rosary beads from his neck, broke them and said, "You can't have this shit." The beads were later handed back to him.

§ 87(2)(b) claimed that PO Bobo, along with three unidentified officers, were present in the holding cells at the time. However, Sgt. Glynn and PO Bobo denied interacting with § 87(2)(b) at the precinct and the additional officers in the holding cell at the time remain unidentified.

§ 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date